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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,705	04/20/2007	Seiichiro Takai	JG-SU-5243/500577.20087	8982
42109	7590	04/28/2010	EXAMINER	
DUANE MORRIS LLP - NY PATENT DEPARTMENT 1540 BROADWAY NEW YORK, NY 10036-4086			CHAUDRY, ATIF H	
		ART UNIT	PAPER NUMBER	
		3753		
		MAIL DATE	DELIVERY MODE	
		04/28/2010	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/583,705	TAKAI, SEIICHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	ATIF H. CHAUDRY	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 March 2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 5-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 5-10 is/are rejected.  
 7) Claim(s) 11 and 12 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>06/21/06</u> .	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election with traverse of election of species requirement in the reply filed on 03/18/2010 is acknowledged. The traversal is on the ground(s) that claim 5 is generic to both species. This is found persuasive and the election requirement is withdrawn.

Claims 5-12 are pending in the application.

***Specification***

1. The abstract of the disclosure is objected to because abstract is too long. Correction is required. See MPEP § 608.01(b).
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The substitute specification filed 06/21/2006 has been entered.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claim 5, the phrase "rod-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "rod-like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takai (6382237) in view of Rothrock (4372340).
3. Takai (Fig. 1) discloses an underground water storage tank configured to be buried underground and to be capable of storing water such that the underground water storage tank comprises an internal storage sub-tank 11 comprising water bearing materials 12 coated with a first water-impermeable sheet 13, an outer water storage compartment defined by the first sheet 13 and a second water-impermeable sheet 19 and provided by coating second water bearing materials 43 disposed around the internal water storage sub-tank 11 with the second sheet 19. Takai discloses intake

pipes 21, 42 penetrating through the first sheet 13 having non-return valve 31. Takai fails to disclose water supply pipes for supplying water to the outer compartment. Rothrock (Fig. 2) teaches a storage tank having an inner tank 30 and an outer tank 18 wherein the outer tank has a supply pipe 38 for supplying the fluid to the tank. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the device disclosed by Takai with a supply pipe as taught by Rothrock in order to supply the fluid to the tank.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takai (6382237) in view of Rothrock (4372340) further in view of Simmonds (2703607).

5. Takai discloses a single inner tank surrounded by water impermeable sheet but fails to disclose multiple inner sub-tanks. Simmonds (Fig. 1) teaches a fluid storage tank comprising multiple sub-tanks separated by water-impermeable sheets 1-6. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the device disclosed by Takai with a multiple sub-tanks as taught by Simmonds in order to ensure retention of water even if one of the sub-tanks breaks down. It would have been obvious to a person of ordinary skill in the art at the time of invention that when the inner tank of Takai is divided into sub-tanks as taught by Simmonds, the outer permeable sheet 19 would be continuously coating the subtanks.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takai (6382237) in view of Rothrock (4372340) further in view of Dorsemaine (5624204) and Degas (EP 1146176).

7. Takai fails to disclose the water bearing materials as expanded resin plate with grooves. Dorsemaine (Fig. 2) teaches a water reservoir comprising expanded grooved plates 12 stacked on one another. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the device disclosed by Takai with an expanded grooved plates as taught by Dorsemaine as art-recognized equivalent substitute water-bearing materials. Degas (abstract) teaches using resin material for water-bearing structure of an underground storage tank.

***Allowable Subject Matter***

8. Claim 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. Claims 6 and 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 5-7 are allowed. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Regarding claims 5-7, the prior art fails to disclose an underground water storage tank comprising: an internal water storage sub-tank provided by coating an assembly of water-bearing materials obtained by combining multiple water-bearing materials with one another with a first water-impermeable sheet; soil pressure absorption plates provided outside the internal water storage sub-tank; and a second water-impermeable sheet for coating the soil pressure absorption plates and wherein the water-bearing

materials are rigid pipes made of resin; and wherein the assembly of the water-bearing materials is formed by mutually and parallelizingly coupling the multiple rigid pipes by pipe coupling means in a state that the multiple rigid pipes are vertically set and arranged at predetermined intervals therebetween in a horizontal direction and further comprising rod-like steel materials vertically piled underground; wherein applicable ones of the rigid pipes are fitted on and affixed to the rod-like steel materials, respectively, so that the assembly of the water-bearing materials is fixed to the rod-like steel materials and wherein the internal water storage sub-tank comprises multiple internal water storage sub-tanks provided in a horizontal direction with inter-tank cushioning materials interposed therebetween.

12. Regarding claims 11 and 12, the prior art fails to disclose a water storage tank having an inner and outer tank and a supply pipe having a higher end connected to the lower portion of outer tank such that a lower end of the supply pipe is connected to a management liquid measure for supplying water to the outer storage tank.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ATIF H. CHAUDRY whose telephone number is (571)270-3768. The examiner can normally be reached on Mon-Fri Alternate Friday off 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571)272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Atif H Chaudry/  
Examiner, Art Unit 3753

/John Rivell/  
Primary Examiner, Art Unit 3753

4/21/2010